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14		Facsimile: (202) 538-8100
15		
16	Counsel for Defendant Google LLC	
17		
1/		DISTRICT COURT
18	NORTHERN DISTRICT OF CAL	IFORNIA, OAKLAND DIVISION
10	CHASOM BROWN, et al., individually and	Case No. 4:20-cv-03664-YGR-SVK
19	on behalf of themselves and all others	Cuse 110. 1.20 CV 05001 TORES VII
20	similarly situated,	DECLARATION OF JOSEPH H.
_	DI : .:cc	MARGOLIES IN SUPPORT OF
21	Plaintiffs,	PLAINTIFFS' ADMINISTRATIVE
22	V.	MOTION TO FILE UNDER SEAL
22		PORTIONS OF PLAINTIFFS'
23	GOOGLE LLC,	UNOPPOSED MOTION FOR FINAL
	Defendant.	APPROVAL OF CLASS ACTION
24	Defendant.	SETTLEMENT (DKT. 1097)
25		Judgas Han Vyanna Cansalas Dagas
ا 23		Judge: Hon. Yvonne Gonzalez Rogers
26		
27		
28		
-	1	

Case No. 4:20-cv-03664-YGR-SVK

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I, Joseph H. Margolies, declare as follows:

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Defendant Google LLC ("Google") in this action. I am making this declaration pursuant to Civil Local Rule 79-5(e)–(f) as an attorney for Google as the Designating Party, pursuant to Civil Local

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Rule 79-5(f)(3) in response to Dkt. 1097.

6

Portions of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement. (Dkt.

I am an attorney with Quinn Emanuel Urquhart & Sullivan, LLP, counsel for

On April 1, 2024, Plaintiffs filed their Administrative Motion to File Under Seal

I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil

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1097) ("Settlement Agreement"). On April 1, 2024, I received unredacted service copies of the

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document sought to be sealed.

10 11

Local Rule 79-5(f). Based on my review, there are compelling reasons (and, by extension, good

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cause) to seal the following:1

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<b>Document(s) to be Sealed</b>		
Motion for Approval of		
Class Action Settlement (Dkt.		
1097-1)		

Portions highlighted at pages 13:18, 15:20–28

this document.

Google joins Plaintiffs' motion

to seal in PART with respect to

18 19

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The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including Google's internal project names and internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and

**Basis for Sealing** 

internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive

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<sup>1</sup> In the Ninth Circuit, materials filed in connection with dispositive motions may be sealed in upon a showing that there are "compelling reasons" to seal the information. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006). Sealing materials in connection with non-dispositive motions (as here) requires only a showing of "good cause." *Id.* at 1179–80. Under the "good cause" standard, courts routinely seal statements reporting on a company's users, sales, investments, or other information that is ordinarily kept secret for competitive purposes. *See Hanginout, Inc. v. Google, Inc.*, 2014 WL 1234499, at \*1 (S.D. Cal. Mar. 24, 2014); *Nitride Semiconductors Co. v. RayVio Corp.*, 2018 WL 10701873, at \*1 (N.D. Cal. Aug. 1, 2018) (granting motion to seal "[c]onfidential and proprietary information regarding [Defendant]'s products" under "good cause" standard).

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Case No. 4:20-cv-03664-YGR-SVK

1		standing as competitors may alter their systems and practices
$_{2}$		relating to competing products. It may also place Google at an
2		increased risk of cybersecurity threats, as third parties may seek
3		to use the information to compromise Google's internal practices relating to competing products.
4 Mac	Decl. Exhibit 1 –	The information requested to be sealed contains Google's
. 111	element Agreement (Dkt.	highly confidential and proprietary information regarding
	7-3)	highly sensitive features of Google's internal systems and
		operations, including Google's internal log names,
	tions highlighted at pages 8,	functionalities, and data retention policies, that Google
7     Exh	nibits B-D	maintains as confidential in the ordinary course of its business
$_{\circ}$ $\parallel$ $_{God}$	ogle joins Plaintiffs' motion	and is not generally known to the public or Google's competitors. Such confidential and proprietary information
111	eal in PART with respect to	reveals Google's internal strategies, system designs, and
_	document.	business practices for operating and maintaining many of its
10		important services, and falls within the protected scope of the
10		Protective Order entered in this action. See Dkt. 81 at 2–3.
11		Public disclosure of such confidential and proprietary
12		information could affect Google's competitive standing as competitors may alter their systems and practices relating to
12		competing products. It may also place Google at an increased
13		risk of cybersecurity threats, as third parties may seek to use the
_		information to compromise Google's internal practices relating
14		to competing products.
	Decl. Exhibit 9 – GOOG-	The information requested to be sealed contains Google's
$   \frac{   BR^{3}}{12} $	WN-00406065 (Dkt. 1097-	highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and
		operations, including Google's internal project names,
17     <sub>Port</sub>	tions highlighted at pages -	functionalities, and proposed projects, that Google maintains as
18   065	1-069	confidential in the ordinary course of its business and is not
		generally known to the public or Google's competitors. Such
- /	ogle joins Plaintiffs' motion	confidential and proprietary information reveals Google's
111	eal in PART with respect to document.	internal strategies, system designs, and business practices for operating and maintaining many of its important services, and
	document.	falls within the protected scope of the Protective Order entered
21		in this action. See Dkt. 81 at 2–3. Public disclosure of such
$_{22}$		confidential and proprietary information could affect Google's
		competitive standing as competitors may alter their systems and
23		practices relating to competing products. It may also place
24		Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise
		Google's internal practices relating to competing products.
25   Mac	Decl. Exhibit 10 –	The information requested to be sealed contains Google's
ZO 11 I	OG-CABR-03611484	highly confidential and proprietary information regarding
(Dk	tt. 1097-13)	highly sensitive features of Google's internal systems and
27     <sub>Dort</sub>	tions highlighted at magaz	operations, including Google's internal project names, that
<u>-</u> ~		
28     484	tions highlighted at pages -	Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's

1 2	Google joins Plaintiffs' motion	competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and
	to seal in PART with respect to this document.	business practices for operating and maintaining many of its important services, and falls within the protected scope of the
3	uns document.	Protective Order entered in this action. See Dkt. 81 at 2–3.
4		Public disclosure of such confidential and proprietary information could affect Google's competitive standing as
5		competitors may alter their systems and practices relating to competing products. It may also place Google at an increased
6		risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating
7		to competing products.
8	Thompson Declaration (Dkts. 1097-16–17)	The information requested to be sealed contains Google's highly confidential and proprietary information regarding
9	,	highly sensitive features of Google's internal systems and
10	Portions highlighted at pages 2:18, 3:13, 3:23, 4:4–6, 4:10,	operations, including details regarding Google's internal projects, data retention policies, and database metrics, that
11	4:15–16	Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's
12	Google joins Plaintiffs' motion to seal in PART with respect to	competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and
13	this document.	business practices for operating and maintaining many of its
14		important services, and falls within the protected scope of the Protective Order entered in this action. See Dkt. 81 at 2–3.
15		Public disclosure of such confidential and proprietary
16		information could affect Google's competitive standing as competitors may alter their systems and practices relating to
17		competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the
18		information to compromise Google's internal practices relating
	Thompson Decl. Exhibit B	to competing products.  The information requested to be sealed contains Google's
19	(Dkt. 1097-19)	highly confidential and proprietary information regarding
20		highly sensitive features of Google's internal systems and
21	Portions highlighted at pages 7:20–21, 7:23–25, 8:14,	operations, including details about Google's internal databases and logs, that Google maintains as confidential in the ordinary
22	Exhibit A at pages 2–3	course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary
23	Google joins Plaintiffs' motion	information reveals Google's internal strategies, system
24	to seal in FULL with respect to this document.	designs, and business practices for operating and maintaining many of its important services, and falls within the protected
25		scope of the Protective Order entered in this action. See Dkt. 81
26		at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as
		competitors may alter their systems and practices relating to
27		competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the
28		Tiok of cybersecurity uneats, as unite parties may seek to use the

1		information to compromise Google's internal practices relating	
2	Thomason Dool Embibit C	to competing products.	
3	Thompson Decl. Exhibit C (Dkt. 1097-21)	The information requested to be sealed contains Google's highly confidential and proprietary information regarding	
4	Portions highlighted in green at	highly sensitive features of Google's internal systems and operations, including details regarding Google's internal	
5	pages 1–4	database structure and retention policies, that Google maintains as confidential in the ordinary course of its business and is not	
6	Google joins Plaintiffs' motion to seal in PART with respect to	generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's	
7	this document.	internal strategies, system designs, and business practices for operating and maintaining many of its important services, and	
8		falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such	
9		confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and	
10		practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third	
12		parties may seek to use the information to compromise Google's internal practices relating to competing products.	
13			
14	4. Google's request is narrowly tailored in order to protect its confidential information.		
15	These redactions are limited in scope and volume. Because the proposed redactions are narrowly		
16	tailored and limited to portions containing Google's highly confidential or confidential information,		
17		s of the aforementioned documents be redacted from any public	
18	version of those documents.  5. Google does not seek to redact or file under seal any portions of the Settlement		
19	Agreement not indicated in the table above.		
20	I declare under penalty of perjury of the laws of the United States that the foregoing is true		
21	and correct. Executed in Bayside, Wisconsin on April 5, 2024.		
22 23			
24			
25	By /s/ Joseph H. Margolies  Joseph H. Margolies		
26			
27			
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